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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,664	03/25/2004	Joseph F. Bader	222104	7832
23460	7590	11/29/2006		
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731				
			EXAMINER TON, ANABEL	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,664	<b>Applicant(s)</b> BADER ET AL.	
	<b>Examiner</b> Anabel M. Ton	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 50-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 84-93 is/are allowed.
- 6) ☒ Claim(s) 50-53, 55-62, 64-71, 73-83, 94, 86-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 50 is objected to because of the following informalities: Applicant mentions a "mounting foot" in line 4, but does not properly refer back to the mounting foot in the preamble by referring to "the mounting foot" as "said mounting foot". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 50-53,55-62,64-71,73-83 are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al.
3. Green discloses a mounting foot (162), a base (110), the base having a light bar mounting surface for supporting the light bar (100,inside portion of 110 holding light bar 100 near 122, col. 7 lines 55-67); a vehicle connector for connecting the mounting foot to the vehicle (166), the vehicle connector secured to the base (160, figs 6a, 6b); and a signaling device mounted to the base (124,134,136,138,120l, 120r)).

- The base has a first end and an opposing second end, the light bar mounting surface disposed adjacent the first end of the base, the signaling device disposed adjacent the second end of the base (fig 3)
- The base includes a contoured profile, the contoured profile configured to substantially conform to at least a portion of the exterior surface of the vehicle (fig 3, col. 7 lines 60-64,col 8 lines1-3).
- The base includes a signaling device mounting surface, the signaling device being disposed on the signaling device mounting surface, the light bar mounting surface and the signaling device mounting surface being offset with respect to each other (base 110 holds both the light bar 100 and signaling device 124 the surfaces which hold both 100 and 124 appear to be offset with respect to each other as shown in figure 3).
- The base includes a sidewall, the sidewall (122) and the signaling device-mounting surface defining a recess, the signaling device disposed in the recess (fig 3).
- The signaling device includes at least one electrical wire extending therefrom, and the recess includes an opening through the base, the opening sized to allow the at least one electrical wire to extend there through (figs 9a, 9b, 10).
- The base includes an outer end, the outer end including a corner (between 162 and 118), the recess disposed at the corner of the outer end of the base.
- A cover (130), the cover defining an interior, the signaling device disposed within the interior of the cover (fig 3).

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- The cover (lenses) is removable mounted to the base (inherent since Green does not disclose it permanently fixed).
- The cover comprises a transparent material; the cover comprises a colored material (col. 4 lines 37-44).
- A seal member associated with the recess, the seal member cooperating with the cover to substantially seal the interior (col. 9 lines 6-9).
- Wherein the base includes a mounting hole (168) the vehicle connector includes a roof clamp (170,172) and a bolt (186), the roof clamp being substantially rigid and having a flange with an opening there through (182), the bolt extending through the opening of the roof clamp and into the mounting hole to secure the roof clamp to the base (cool 8 lines 8-25).
- The signaling device comprises a light source.
- The light source is pivotally mounted to the base (the signaling device rotates on a 360 degree axis).
- The signaling device has at least one of a visual signaling feature and an aural signaling feature.
- A second signaling device mounted to the base (120L, 120r).
- The base includes first and second signaling device mounting surfaces (fig 3, inner portion of 162), the signaling device mounting surfaces each being in offset relationship to the light bar mounting surface, the first and second signaling devices being respectively mounted to the first and second signaling device mounting surfaces.

- The base includes first and second sidewalls, the sidewalls respectively cooperating with the first and second signaling device mounting surfaces to form a first recess and a second recess, the first and second signaling devices (118) disposed in the first and second recesses, respectively (fig 3).
- The base includes an outer end, the outer end including first and second comers, the first and second recesses respectively disposed at the first and second comers of the outer end of the base (fig 3).
- With regards to claim 73 Green et al discloses, a light bar comprising a plurality of signaling devices (100) supported on and distributed along a base member (fig 3,110); a mounting foot for mounting the light bar (162) to the exterior surface of the vehicle, the mounting foot having a generally planar light bar mounting surface (110) supporting the base member of the light bar; and a signaling device mounted to the mounting foot (120L, 120R);
- The base member includes a pair of ends (118, right and left respectively), the signaling system further comprising: a second mounting foot (there are two portions identified by 162 mounted to the top of the vehicle), the first and second mounting feet connected to the base member of the light bar such that the mounting feet are respectively disposed adjacent the first and second ends thereof (fig 3).
- A vehicle connector (166) for connecting the mounting foot to the vehicle, the vehicle connector secured to the mounting foot.

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- The base member of the light bar is secured to the light bar mounting surface of the mounting foot via a plurality of fasteners (186).
- The light bar comprises a single level light bar (outside portion is a single level)
- The light bar comprises a multi level light bar (inner portion multi leveled);

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 94,96,97,98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al.

Green et al discloses a mounting foot joining the a light bar to a vehicle (162), a mounting foot light source (120L, 120R), a housing for the mounting food light source supported on the mounting foot, the light bar housing light sources. Green et al does not disclose a separate housing for the mounting foot light sources separate from the housing of the light sources of the light bar. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the housing of the mounting foot separate from the housing of the light bar since the applicant is advised that it has been held by the courts that the mere fact that a given structure is integral does not preclude its consisting of various elements, and that constructing a formerly integral structure in various portions involves only routine skill in the art. *Nerwin v.*

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*Erlichman*, 168 USPQ 177, 178. In this case, one would have been motivated to form a separate housing for the light sources of the mounting foot for the purpose of repositioning the light sources of the mounting foot, in this case strobe lights, further away from the light bar so that the strobe lights comprise their own housing not affected by the light sources of the light bar. Green et al discloses the housing including an opening for communicating power to the light sources in the housing (figs 8-10 and 12 wiring is directed inherently to a power source to provide power to the light sources) and a transparent cover that protects the light sources while at the same time allows light from the light source to pass through it (col. 4 lines 35-45). With regards to claim 98, Green discloses the claimed subject matter except for the recitation of the second mounting surface providing access to electrical power for the one or more light assemblies. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an opening in the base section for providing access to electrical power since as taught by Green power is inherently provided to the light bar by wiring means, one would have been motivated to provide access for providing power to the light device by way of the base portion so as to prevent wiring from being visible from an exterior surface of the device and to prevent wiring from being exposed externally to the device.

***Allowable Subject Matter***

6. Claims 84-93 are allowed.



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7. Claims 54, 63, 72 and 95 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose the mounting foot having a generally planar bar mounting surface supporting the base member of the light bar.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 50-53, 55-62, 64-71, 73-94, 96-98 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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